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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,623	07/14/2006	Turhan Alcelik	9660-5	7426
30448	7590	01/24/2008		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER MANSKAR, KRISTEN	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/566,623

Applicant(s)

ALCELIK, TURHAN

Examiner

Kristen A. Manskar

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 85-134 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85-134 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/30/06 and 6/20/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 85, 95, 107, 115, 124, 133, and 134 are objected due to a lack of a structural cooperative relationship. It is unclear how the light source, reflector, shutter, and lens are arranged with respect to one another. Appropriate correction is required.

Claims 93, 105, and 113 are objected due to a lack of antecedent basis within the claim or that from which the claims are dependent on. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 85-134 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniuchi (Patent 6,796,696), hereafter referred to as Taniuchi.

Regarding claims 85, 107, 133, and 134, Taniuchi discloses a headlamp (see abstract) comprising at least one light source (11), at least one reflector section (12), at least one shield (19), at least one lens (18) and at least one semi-shutter (16), wherein the locations of the shield, semi-shutter and focal points of

the lens are so adjusted that the light rays are directed towards the lower half-lens through an opening (15b) placed between the upper edge of the shield and the lower edge of the semi-shutter and lower half of the lens which projects light rays to only road surfaces (Column 11, Lines 24-30). Regarding the claimed invention being "*used for covering upper half of said lens in order not to reach the light rays which are coming from the light source, from said reflector sections and/or and from all reflecting surfaces inside the headlamp to eye level of oncoming traffic users*" as recited in Claims 85, 95, 107, 115, 124, 133, and 134 the applicant is advised that a recitation of the intended use of an invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). In this case, the patented structure of Taniuchi was considered capable of performing the cited intended use.

With respect to claims 86 and 97, Taniuchi discloses a headlamp wherein the shield is a moveable part and it is disposed at an angle of approximately 45 degrees with the XX horizontal plane and its inner surface is reflective (Column 44, Lines 15-21).

Regarding claims 87 and 98, Taniuchi discloses a headlamp wherein the bottom section of the shutter piece and or the upper edge of the shield is

designed to create a cut-off section in the form of preferred cut-off type (Column 44, Lines 40-53).

In regard to claims 89, 101, 109, 118, 127 Taniuchi discloses a headlamp used in double reflector groups with double light pathways or in more reflector groups with more light pathways (Figure 2).

Regarding claims 90, 102, 110, 119, 128, Taniuchi discloses a headlamp wherein a full lens is used in place of said lens (18; Figure 2).

In reference to claims 91, 103, and 111, 120, 129, Taniuchi discloses a headlamp wherein the semi-shutter is a moveable part (56) and disposed at an angle so as to project light rays coming from said lower shield to the lower half of the lens (Column 44, Lines 15-21).

With respect to claims 92, 104, 112, 122, 130, Taniuchi discloses an inner or outer surface of the semi-shutter is reflective. Note this is an inherent property of the curved surface as all surfaces comprise a certain degree of reflectivity.

Regarding claims 93, 105, 113, 123, 131 Taniuchi discloses a headlamp wherein a lens is placed between the reflectors (Figure 13).

In regard to claims 94, 106, and 114, 132, Taniuchi discloses a headlamp wherein the lens is a plano convex lens type or any other type of lens (Column 43, Lines 11-14).

In reference to claim 95, Taniuchi discloses a headlamp comprising at least one light source (11), at least one reflector section (12), at least one inclined reflective shield (19), at least one lens (18) and at least one semi-shutter (16), wherein the locations of the shield, semi-shutter and focal points of the lens

are so adjusted that the light rays are directed towards the lower half-lens through an opening (15b) placed between the upper edge of the shield and the lower edge of the semi-shutter and lower half of the lens which projects light rays to only road surfaces (Column 11, Lines 24-30). Regarding the claimed invention being "*used for covering upper half of said lens in order not to reach the light rays which are coming from the light source, from said reflector sections and/or and from all reflecting surfaces inside the headlamp to eye level of oncoming traffic users*" as recited in Claims 85, 95, 107, 115, 124, 133, and 134 the applicant is advised that a recitation of the intended use of an invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). In this case, the patented structure of Taniuchi was considered capable of performing the cited intended use.

With respect to claim 96, Taniuchi disclose a headlamp wherein one or more of the reflective surfaces is preferably disposed and it is flat or concave and used to direct the light rays falling from said shield onto itself to the lower half lens (16, 17).

Regarding claim 99, Taniuchi discloses a headlamp wherein the reflection angles of the inner surface of the inclined reflective shield is adjusted to reflect the light rays in accordance with said whole reflective shields, in case there are more than one reflective shield (via 56).

With respect to claims 115 and 124, Taniuchi discloses a headlamp (see abstract) comprising: at least one light source (11), at least one reflector section (12), at least one lens (18), at least one mirror reflector (14, 16), at least one semi-shutter (15) wherein the locations of the shield, semi-shutter and focal points of the lens are so adjusted that the light rays are directed towards the lower half-lens through an opening (15b) placed between the upper edge of the shield and the lower edge of the semi-shutter and lower half of the lens which projects light rays to only road surfaces (Column 11, Lines 24-30). Regarding the claimed invention being "*used for covering upper half of said lens in order not to reach the light rays which are coming from the light source, from said reflector sections and/or and from all reflecting surfaces inside the headlamp to eye level of oncoming traffic users*" as recited in Claims 85, 95, 107, 115, 124, 133, and 134 the applicant is advised that a recitation of the intended use of an invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). In this case, the patented structure of Taniuchi was considered capable of performing the cited intended use.

With regard to claims 116 and 125, Taniuchi discloses a headlamp wherein the mirror reflector (14, 16) is disposed against said reflector (12) sections at an angle and it is flat or concave and the mirror reflector is adjusted to

reflect the light rays coming from the light source and reflective surfaces towards the lower half-lens (Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 88, 100, 108, 117, and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniuchi.

Taniuchi does not explicitly disclose the use of a "half lens," merely the projection of light to a portion of the lens. However, Taniuchi discloses the use of a full lens as an obvious alternative to a half lens in the Specification.

Regarding the use of a half lens within the device, the applicant is respectfully advised that in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 159 USPQ 342 (CCPA 1968). In this case, it would have been obvious to one of ordinary skill in the art to use a half lens instead of full lens as disclosed by Taniuchi, since the one of ordinary skill would have recognized such a half lens as being one of the many structures available in the prior art for headlamp design, selection of a specific one over another being an obvious matter of meeting the specific requirements of a given application.

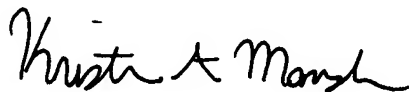


**Conclusion**

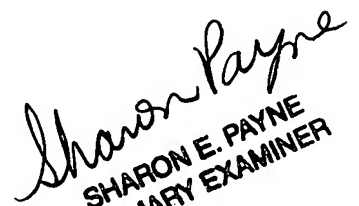
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen A. Manskar whose telephone number is (571) 270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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